

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**HUMAN POWER OF N COMPANY,  
*Plaintiff,***

v.

**NATHAN BRYAN, PNEUMA NITRIC  
OXIDE, LLC, NITRIC OXIDE  
INNOVATIONS LLC, AND BRYAN  
NITRICEUTICALS, LLC,  
*Defendant.***

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**1:21-CV-811-ADA**

**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Mark Lane. ECF No. 126. The Report recommends that Plaintiff's Motion Justifying the Amount of Attorneys' Fees Awarded in Connection with Plaintiff's Sanctions Motion (ECF No. 97) be GRANTED, in part, and DENIED, in part. The Report also recommends that the Court order Defendants to pay Plaintiff a total of \$79,338.49 in relation to the June 1, 2023 Motion to Compel.

With respect to Plaintiff's Motion Justifying the Amount of Attorneys' Fees Awarded in Connection With Plaintiff's Motion to Compel Production of Unredacted Documents (ECF No. 117), the Report recommends the Motion be GRANTED, in part, and DENIED, in part. Further, the Report recommends that the Court order Defendants to pay Plaintiff a total of \$27,494.90. in relation to the August 30, 2023 Motion to Compel.

Thus, Magistrate Judge Lane finds that Plaintiff is to be awarded reasonable and necessary attorneys' fees and costs in the amount of \$106,833.39 [\$79,338.49 +\$27,494.90]. Finally, the

Report recommends that these sums are to be paid to Plaintiff within 30 Days of this Court's final order on Plaintiff's fee requests. The Report and Recommendation was filed on December 4, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), overruled on other grounds by *Douglass v. United States Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)).

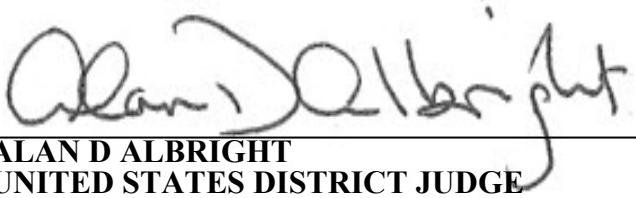
Defendants filed objections on December 18, 2023. ECF No. 129. The Court has conducted a *de novo* review of the Motion, the responses, the report and recommendation, the objections to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

**IT IS THEREFORE ORDERED** that the Report and Recommendation of United States Magistrate Judge Lane, ECF No. 126, is **ADOPTED**.

**IT IS FURTHER ORDERED** that Defendants' objections are **OVERRULED**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion Justifying the Amount of Attorneys' Fees Awarded in Connection with Plaintiff's Sanctions Motion (ECF No. 97) (related to June 1, 2023 Motion to Compel) is **GRANTED IN PART AND DENIED IN PART** and Plaintiff's Motion Justifying the Amount of Attorneys' Fees Awarded in Connection With Plaintiff's Motion to Compel Production of Unredacted Documents (ECF No. 117) (related to August 29, 2023 Motion to Compel) is **GRANTED IN PART AND DENIED IN PART** in accordance with the Report and Recommendation.

**IT IS FINALLY ORDERED** that Defendants are to pay Plaintiff **\$79,338.49** in relation to the June 1, 2023 Motion to Compel and **\$27,494.90** in relation to the August 30, 2023 Motion to Compel, and that these sums are to be paid to Plaintiff within 30 days of this Order. SIGNED this 28th day of December, 2023.



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**ALAN D ALBRIGHT**  
**UNITED STATES DISTRICT JUDGE**